

BAY COUNTY ELECTION COMMISSION
PORTSMOUTH TWP. CLARITY
APRIL 1, 1992

THE BAY COUNTY ELECTION COMMISSION MET ON WEDNESDAY, APRIL 1, 1992, IN THE COMMISSIONERS GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING FOR PURPOSES OF REVIEWING PETITIONS SUBMITTED FOR THE RECALL OF THE PORTSMOUTH TOWNSHIP BOARD. SEVEN (7) RECALL PETITIONS HAD BEEN SUBMITTED BY PETITIONER DONALD KRZEWSKI. MEETING WAS CALLED TO ORDER BY CHAIRMAN, PAUL N. DONER AT 11:05 A.M. THE FOLLOWING WERE IN ATTENDANCE.

ROLL CALL: JUDGE PAUL DONER, CHAIRMAN
CAROLINE KROL, TREASURER
BARBARA ALBERTSON, CO. CLERK

OTHERS CYNTHIA A. LUCZAK, SECRETARY
PRESENT: ROBERT PAWLAK, SUPERVISOR
JUDY BUKOWSKI, TWP. CLERK
HENRY BRANDT, TREASURER
DALE DAVIS, TRUSTEE
VIRGIL GATZA, TRUSTEE
CHARLES PAWLAK, TRUSTEE
JAMES BANASZAK, TRUSTEE
JOHN MCQUILLAN, ATTORNEY
DON KRZEWSKI, PETITIONER
EDWARD BRISTOW, TWP. RESIDENT

CHAIRMAN DONER STATED THE COMMISSION HAD MET ON THIS DATE TO CONSIDER THE WORDING SUBMITTED ON PETITIONS RECALLING SEVEN (7) OF THE PORTSMOUTH TOWNSHIP BOARD MEMBERS.

CHAIRMAN DONER OFFERED TO ACCEPT PUBLIC INPUT PURSUANT TO THE OPEN MEETINGS ACT, CITIZENS WISHING TO EXPRESS THEIR VIEWS COULD DO SO AT THIS TIME.

E. BRISTOW: PORTSMOUTH TOWNSHIP RESIDENT, EDWARD BRISTOW FELT AS THOUGH A NUMBER OF TOWNSHIP RESIDENTS HAD NOT BEEN INFORMED OF THE TOTAL SEWER PROJECT COST PRIOR TO ITS IMPLEMENTATION. HE STATED HE WAS INVOLVED IN THE RECALL EFFORTS TO HELP THE PEOPLE OF PORTSMOUTH TOWNSHIP BE HEARD. IN HIS OPINION, THE PRESENT BOARD ALLOWED ISSUES TO "GO IN ONE EAR AND OUT THE OTHER". FURTHER, THAT MRS. BUSH HAD BEEN MADE AWARE OF THE RECALL ATTEMPTS RESULTING FROM A LACK OF COMMUNICATION/ILLITERACY OF BOARD.

- R. PAWLAK: PORTSMOUTH TOWNSHIP SUPERVISOR, ROBERT PAWLAK, ADDRESSED THE COMMISSION ACTING AS A TOWNSHIP RESIDENT. MR. PAWLAK BELIEVED THE PETITION LANGUAGE WAS TO BE PRESENTED TO THE VOTER IN A CLEAR AND CONCISE MANNER. FURTHER, THAT AN ATTORNEY GENERAL OPINION REGARDING PAYMENT OF ANY ATTORNEY FEES WAS JUST THAT, AN OPINION. RECORDS INDICATED NO PAYMENTS HAD BEEN MADE TO ATTORNEY JOHN MCQUILLAN FOLLOWING THE RENDERING OF THAT OPINION IN OCTOBER OF 1991. MR. PAWLAK FELT RESIDENTS ELIGIBLE TO VOTE ON THE RECALL LANGUAGE SHALL BE CONFUSED AS TO WHETHER THEY WERE TO VOTE ON A QUESTION OF FEES PAID TO THE TOWNSHIP ATTORNEY OR THE SEWER PROJECT ITSELF. HE DISTRIBUTED NEWSPAPER ARTICLES WHICH REFLECTED COMMENTS IN REGARD TO BOTH COMPLEX ISSUES. FINAL COMMENTS BY MR. PAWLAK INDICATED THE PETITION LANGUAGE WAS NOT CLEAR TO VOTERS.
- J. MCQUILLAN: MR. MCQUILLAN STATED HE UNDERSTOOD THE VERBIAGE OF THE FIRST PARAGRAPH OF THE PETITION EVEN THOUGH HE EXPRESSED STRONG OBJECTION TO WORDING IN THE SECOND PARAGRAPH. THE ATTORNEY FELT LANGUAGE IN THE SECOND PARAGRAPH EVIDENCED STATEMENTS OF OPINION AND NOT STATEMENTS OF FACTS.
- D. KRZEWSKI: PETITIONER KRZEWSKI WAS CONVINCED THE ATTORNEY GENERAL OPINION MADE REFERENCE TO, WAS BASED UPON CASE LAW ESTABLISHED IN 1979, THAT THE OPINION WAS NOT NEW. THAT PORTSMOUTH TOWNSHIP BOARD MEMBERS WERE NOT AUTHORIZED TO EXPEND TOWNSHIP FUNDS FOR LEGAL FEES UNDER THE OPINION.
- J. MCQUILLAN: MR. MCQUILLAN RESPONDED TO THE COMMENTS MADE BY MR. KRZEWSKI. THE LANGUAGE REFERRING TO THE PAYMENT OF ATTORNEY FEES IN THE RECALL OF TOWNSHIP OFFICERS, WAS A PARAPHRASE OF AN OPINION/LETTER FORMED IN 1979 ADDRESSING IF A TOWNSHIP COULD HIRE AN ATTORNEY TO INITIATE A COURT ACTION. IN THAT SITUATION, THE ATTORNEY GENERAL HAD RULED IT COULD NOT BE DONE UNLIKE THE CONDITIONS SET FOURTH IN THE RECALL. THUS ALLOWING THE LANGUAGE MADE STATEMENT OF OPINION, FACTUALLY UNCLEAR.
- BARB ALBERSON: CLERK ALBERTSON INDICATED SHE HAD NO COMMENT AT THIS TIME.

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C. KROL: MS. KROL POSED NO ADDITIONAL QUESTIONS TO THE MEMBERS OR COMMISSION.

P. DONER: CHAIRMAN DONER EXPRESSED DISSATISFACTION WITH THE PETITIONING OF THE PORTSMOUTH TOWNSHIP OFFICIALS WITH PETITION LANGUAGE THAT WAS ONCE AGAIN UNCLEAR, IN HIS OPINION. THE CHAIRMAN MADE REFERENCE TO THE CIRCUIT COURT OPINION OF JUDGE WM. CAPRATHE WHICH SPELLED OUT WHAT INFORMATION A RECALL PETITION SHOULD AND SHOULD NOT CONSIST OF FOR CLARITY PURPOSES. HE FELT THE PETITIONS SHOULD BE FORMULATED TO BE MORE SPECIFIC AND FURTHER AGREED WITH THE POSITION OF MR. MCQUILLAN IN HIS INTREPRETATION OF THE SECOND PARAGRAPH CONTAINING OPINIONS RATHER THAN FACTS. FURTHER, THAT ANY PETITIONS FOR RECALL MUST MEET THE STATUTES SET FORTH FOR RECALL. JUDGE DONER OBJECTED TO THE TIME, EFFORTS AND COST FOR CONSIDERATION OF THE PETITIONS ON A REGULAR BASIS.

MOTION 1: CHAIRMAN DONER MOVED THAT THE PETITIONS FOR RECALL OF THE PORTSMOUTH TOWNSHIP OFFICIALS BE DENIED FOR LACK OF CLARITY. BARBARA ALBERTSON SUPPORTED THE MOTION AND IT WAS CARRIED BY ROLL CALL VOTE OF 3 YEAS, 0 NAYS.

CHAIRMAN DONER STATED THE ELECTION COMMISSION WOULD BE IN RECESS. MEETING WAS RECESSED AT 11:25 A.M.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK